

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JEANETTA SPRINGER and	)	
JACOB C. SPRINGER,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CASE NO. 2:17-CV-693-WKW
	)	[WO]
WELLS FARGO BANK, N.A.,	)	
SIROTE & PERMUTT, P.C., and	)	
VERNON BARNETT,	)	
	)	
Defendants.	)	

**ORDER**

This action, which arises out of a mortgage foreclosure, commenced on October 13, 2017, with the filing of Plaintiffs' *pro se* complaint against multiple Defendants, including Wells Fargo Bank, N.A. The Magistrate Judge to whom this action was referred recommended the dismissal of Plaintiffs' action. (Doc. # 26.) On September 13, 2018, the Honorable Emily C. Marks, Chief United States District Judge, entered an order overruling Plaintiffs' objections and adopting the recommendation of the magistrate judge. (Doc. # 29.) Final judgment was entered the same day. (Doc. # 30.) On appeal, the Eleventh Circuit affirmed the judgment. (Doc. # 38.)

On July 7, 2021, Chief Judge Marks directed the Clerk of the Court to inform the parties that "it ha[d] been brought to her attention that while she presided over

the case, in a managed account, she owned stock in Defendant Wells Fargo Bank.” (Doc. # 41.) In accordance with Advisory Opinion No. 71, Volume 2B, Guide to Judiciary Policy, Ch. 2 § 220 (June 2009), the parties were permitted to respond to Chief Judge Marks’s disclosure of the conflict. (Doc. # 41.)

On July 14, 2021, Plaintiffs filed a *pro se* response (Doc. # 42), and on January 12, 2022, Plaintiffs filed a *pro se* memorandum of law (Doc. # 44). In light of Chief Judge Marks’s disclosure and Plaintiffs’ objection to the conflict, this action was reassigned to the undersigned. Based on a review of Plaintiffs’ filings, it is ORDERED as follows:

(1) Plaintiffs’ memorandum of law (Doc. # 44) is construed as a motion to vacate the judgment under Rule 60(b)(6) of the Federal Rules of Civil Procedure. *See Guthrie v. Wells Fargo Home Mortg. NA*, 706 F. App’x 975, 977 (11th Cir. 2017) (“A judge’s improper failure to recuse may constitute grounds for relief under Rule 60(b). (internal citation omitted)).

(2) In an abundance of caution, it is ORDERED that the Rule 60(b)(6) motion (Doc. # 44) is GRANTED and that Chief Judge Marks’s order and final judgment (Docs. # 29, 30) are VACATED to permit the undersigned’s independent review of the record. The Clerk of the Court is DIRECTED to reopen this action.

DONE this 18th day of April, 2022.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE